

**MEYNER AND LANDIS LLP**

REPLY TO:  
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May 5, 2020

**VIA ECF**

Hon. Vernon S. Broderick, U.S.D.J.  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 415  
New York, New York 10007

Application denied without prejudice. Plaintiff is directed to refile its letter motion at the end of the current discovery stay related to Defendant's replacement of counsel.

SO ORDERED:

  
HON. VERNON S. BRODERICK 5/6/2020  
UNITED STATES DISTRICT JUDGE

*Re: Dubai Equine Hospital v. Equine Imaging, LLC, et al., No. 18-cv-6925 (VSB)*

Dear Judge Broderick:

We represent Plaintiff Dubai Equine Hospital (“**Plaintiff**”) in the above-referenced matter. We write regarding the Second Amended Case Management Plan and Scheduling Order (“**Second Amended CMO**”) (Dkt. 45) that the Court entered on May 1, 2020.

On April 27, 2020, Plaintiff filed a Motion to Compel against Defendants on the basis that Defendants failed to provide available dates for their deposition and failed to substantiate withholding confidential documents and/or execute a confidentiality agreement. As a result, Plaintiff requested that the Court extend the discovery end date only for Defendants to produce the withheld documents and for Plaintiff to take Defendants’ depositions. On May 1, 2020, the Court granted Plaintiff’s Motion to Compel and entered the Second Amended CMO. In the Second Amended CMO, however, the Court extended all fact discovery to July 30, 2020. We respectfully request that the Court amend the Second Amended CMO and extend fact discovery to only allow Defendants to produce the withheld documents and Plaintiff to conduct Defendants’ depositions.

The Court conducted an initial conference in this action on November 8, 2019. Therefore, the parties have been involved in discovery for nearly six months. Despite serving document requests and interrogatories, Defendants failed to serve any notices of deposition on Plaintiff, have not served any subpoenas on third parties and have not conducted any depositions. Defendants also failed to request an extension of time to conduct discovery before the discovery end date of April 30, 2020. Therefore, Defendants waived their right to conduct any further discovery.

Accordingly, we respectfully request that the Court amend the Second Amended CMO to only allow an extension of fact discovery for Defendants to produce the withheld documents and for Plaintiff to conduct Defendants’ depositions.

Hon. Vernon S. Broderick, U.S.D.J.  
May 5, 2020

We thank the Court for its attention to these matters.

Respectfully submitted,  
**MEYNER AND LANDIS LLP**

*Catherine Pastrikos Kelly*

Catherine Pastrikos Kelly (CP3300)

cc: William Germano, Esq. (*Defendants' counsel - via ECF*)